

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MINNESOTA LIFE INSURANCE
COMPANY, a Minnesota corporation,

Plaintiff,

v.

MATTHEW F. STRONG, a Florida
citizen, and STRONG FINANCIAL
SOLUTIONS, INC., a Florida
corporation,

Defendants.

Civil Case No.: 0:22-cv-2718

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Matthew F. Strong and Strong Financial Solutions, Inc. (together, “Strong”), hereby remove this action from the Ramsey County District Court, Second Judicial District of Minnesota, to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446(a)-(c). Specifically, there is complete diversity between Strong and Plaintiff Minnesota Life Insurance Company (“Minnesota Life”), and the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000. The undersigned Defendants are the only named defendants in the State court action and consent to the removal of this action.

TIMELINESS OF REMOVAL

1. Minnesota Life commenced this action on October 6, 2022, by serving upon Strong a summons and complaint dated June 2, 2022, attached hereto with all exhibits as **Exhibit 1**, and incorporated herein by reference. On October 12, 2022, Minnesota Life

filed the summons and complaint in the Ramsey County District Court, Second Judicial District of Minnesota, as Case No. 62-cv-22-5535, along with affidavits of service. Copies of the affidavits of service, along with all other process, pleadings, orders, and other papers filed in the State court proceeding, excluding the summons and complaint, are attached hereto as **Exhibit 2**.¹

2. This Notice of Removal is therefore timely because it is filed within 30 days of service. *See* 28 U.S.C. § 1446(b).

GROUND FOR REMOVAL

3. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” This includes this Court’s original jurisdiction under 28 U.S.C. § 1332(a). *See* 28 U.S.C. § 1441(b).

4. Under 28 U.S.C. § 1332(a), this Court has “original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.”

A. There is Complete Diversity Between the Parties.

5. Plaintiff Minnesota Life is a Minnesota corporation with its principal place of business at 400 Robert Street North, St. Paul, MN, 55101. As such, Minnesota Life is a citizen of Minnesota.

¹ Additionally, a copy of the docket from the State court action is attached hereto as **Exhibit 3**.

6. Defendant Matthew F. Strong is a natural person that is a citizen of Florida.

7. Defendant Strong Financial Solutions, Inc. is a Florida corporation that was voluntarily dissolved in 2018, and which had a principal place of business in Florida. *See* Exhibit 1 at ¶ 3, Ex. B. Strong Financial Solutions, Inc. is therefore a citizen of Florida.

8. As such, Strong and Minnesota Life are citizens of different States, and thus there is complete diversity of citizenship between the parties.

B. The Amount in Controversy Exceeds \$75,000.

9. Minnesota Life's complaint raises causes of action for breach of contract, account stated, unjust enrichment, and breach of the implied covenant of good faith and fair dealing and seeks a monetary judgment as relief.

10. The amount in controversy, as pleaded in Minnesota Life's complaint, is \$267,500.08, exclusive of interest and costs. Exhibit 1 at ¶¶ 25, 28, 33, and Prayer for Relief ¶ 1; *see also* Exhibit 1 at Creditor's Affidavit and Verification ¶ 9. Thus, the amount in controversy requirement under 28 U.S.C. §1332(a) has been met as well.

COMPLIANCE WITH OTHER REMOVAL REQUIREMENTS

11. Based on the foregoing, this Court has original jurisdiction over this action under 28 U.S.C. § 1332.

12. This Court is the appropriate venue for removal under 28 U.S.C. § 1441(a) because it is the federal judicial district encompassing the Ramsey County District Court, Second Judicial District of Minnesota, where this action was originally filed.

13. Copies of all "process, pleadings, and orders" have been attached as exhibits to this Notice. *See* 28 U.S.C. §1446(a); *see also* Exhibits 1-3.

14. Pursuant to 28 U.S.C. § 1446(d), Strong will promptly file a copy of this Notice, as well as a Notice of Filing of this Notice of Removal, with the Clerk of the Ramsey County District Court, and serve a copy of the same on all parties.

15. This Notice is signed pursuant to Fed. R. Civ. P. 11, as required by 28 U.S.C. § 1446(a).

RESERVATION OF RIGHTS

16. The prerequisites for removal under 28 U.S.C. §§ 1332(a), 1441, and 1446 have been met. If any questions arise as to the propriety of the removal of this action, Strong requests the opportunity to present a brief, oral argument, and further evidence, if necessary, to support their position that this case is removable.

17. By filing this Notice of Removal, Strong makes no admissions of fact, law, or liability, and expressly reserve all defenses and motions available to it. *See Hartis v. Chicago Title Ins. Co.*, 694 F.3d 935, 945 (8th Cir. 2012) (noting that the “removing party ‘need not confess liability in order to show that the controversy exceeds the threshold,’” but instead is required to show only what the stakes in the case could be) (*quoting Spivey v. Vertrue, Inc.*, 528 F.3d 982, 986 (7th Cir. 2008)). Strong further reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Strong respectfully gives notice that this action is hereby removed from the Ramsey County District Court to the United States District Court for the District of Minnesota.

Dated: October 27, 2022

Respectfully submitted,

BC DAVENPORT, LLC

/s/ David A. Davenport

David A. Davenport, #285109
105 5th Avenue South, Suite 375
Minneapolis, MN 55401

Tel: (612) 445-8102

Fax: (612) 445-8011

david@bcdavenport.com

Attorney for Defendants